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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/239,671	01/29/1999	WILLIAM DANIEL TOOHEY	99-60484-5	6425
23392	7590	02/22/2005	EXAMINER	
FOLEY & LARDNER 2029 CENTURY PARK EAST SUITE 3500 LOS ANGELES, CA 90067			ST CYR, DANIEL	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/239,671

Applicant(s)

TOOHEY, WILLIAM DANIEL

Examiner

Daniel St.Cyr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/19/04 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7, 9, 12--21, 24, 25, and 28-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Enright et al, US Patent No. 6,583,813.

Enright et al disclose a system and method for capturing and searching image data associated with transaction comprising: a video camera 334 for capturing video images of transactions; an input device (keyboard shown in ATM 332) for collecting transaction data associated with the transactions; and a database management system 330 for organizing the video images and the transaction data into a digital database, wherein the video images are stored in the digital database as digital video images; and wherein the digital video images are associated in the digital database with-the transaction data such that the digital video images of a

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transaction can be retrieved based on the transaction data of the transaction. (see col. 39, line 16 to col. 40, line 27).

Re claims 2-4, wherein the transaction data includes time data, date, and amount of money (see col. 54, lines 10-22).

Re claim 5, wherein the video images are captured based upon a signal that is produced in response to the input device collecting data (see col. 39, lines 51-54).

Re claim 6, wherein the video images are captured based upon a clock signal (see col. 22, lines 8-40).

Re claim 7, further comprising: a terminal for allowing an operator to input queries into the digital database and receive the digital video images and the transaction data in response to the queries (see col. 38, lines 32-49).

Re claim 9, wherein the transactions are financial transactions (from ATM).

Re claims 12-20 and 32-37, since the structural limitations are as recited, the method steps are met. The system is capable of performing the claimed method steps.

Re claim 21, in addition to the limitations that have been discussed, a plurality of views of digital image and additional data are presented in response to queries (see figure 62).

Re claims 24-25, the limitations have been met above, in addition the digital signature serves as an identifier (see col. 43, line 51+).

Re claims 28-31, the limitations have been met above. The system is capable of performing these functional steps.

***Claim Rejections - 35 USC § 103***

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enright et al in view of Katz, US patent No. 5,920,338.

Enright et al fail to disclose or fairly suggest that the transactions are toll collecting transactions wherein the input devices include a toll collector.

Katz discloses an asynchronous video event and transaction data multiplexing technique for surveillance system comprising: a video camera 16 or a plurality of cameras 100, 102, 104, for capturing video images of toll transactions; an input device 20 for collecting data associated with the transaction; a database management system 14 for organizing the transaction data', and a recording device for recording the combined video/data signal (see figures 1-2., col. 4, line 36+), the data associated with the transaction includes time data, date data, and monetary data (see col. 8, lines 59-68 and col. 10, line 11), wherein the video images are captured based upon a signal that is produced in response to the input device collecting data (see figure 7., claim 1).

In view of Katz's teachings, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to employ the teaching of Enright et al into a toll system for collecting tolls. Such system would provide a more effective database management system wherein digital data would be stored, which would be easier to communicate to other terminals. Furthermore, the specific method of use of the data collection of Enright et al is not limited to financial/banking transaction, such system is capable of being implemented in

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systems, such as self-service, retails, and others, where data is being collected as a means for later verify transactions. Therefore, it would have been obvious for an artisan to implement the Enright's system into a toll collection system.

6. Claims 10, 11, 22, 23, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enright et al in view of Odle, US Patent No. 5,491,511. The teachings of Enright et al have been discussed above.

Enright et al fail to disclose or fairly suggest a retail facility wherein the video signals are captured based upon a bar code reader reading a bare code label wherein the bar code reader includes an emitter for generating a beam of light and a detector for detecting the beam of light wherein the camera is activated when an item breaks the beam of tight and using a portion of the data for indexing the data.

Odle discloses a multimedia capture and an audit system for a video surveillance network comprising: an electronic transaction device 14 (bar code reader) for performing transactions; a camera 12 for taking video image of the transactions,. and using portion of the data to index the data in the database (see col. 4, lines 1-18 and col. 9, lines 11-26),

In view of Odle's teachings, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to incorporate the well known bar code reader into the system of Enright et al for facilitating transactions processing and the well-known indexing scheme for indexing the stored data. Such modification would provide more reliable data entries during data processing and provide a more effective secured database by preventing unauthorized users from accessing and providing optimal data accessing means, Therefore, it would have been obvious extension as taught by Enright et al.

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***Conclusion***

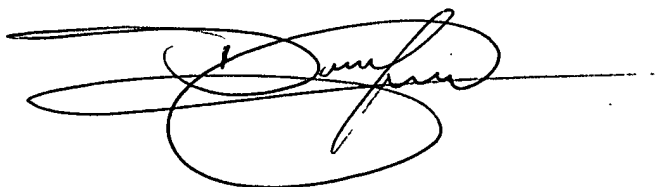
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Martino, US Patent No. 6,574,314.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 571-272-2407. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel St.Cyr  
Primary Examiner  
Art Unit 2876

A handwritten signature in black ink, appearing to read 'Daniel St.Cyr', with a long horizontal line extending to the right.

DS  
February 18, 2005